

# Anti-Drug Plan Toned Down and Voted Up

When Robert S. Walker, R-Pa., first proposed using the power of the federal purse to force federal contractors and grantees to provide a drug-free work place, his surprise amendment was six lines long and not very popular with his colleagues on the House Science, Space and Technology Committee.

The final version, five pages long, was adopted by the committee by voice vote May 5 and attached to three major authorization bills. It was the result of a two-week spate of negotiations aimed at drafting universally acceptable language so members would not have to vote against an anti-drug measure.

In the end, not everyone was satisfied. Some were horrified. "I think it's a terrible mistake," said James H. Scheuer, D-N.Y. "This could wreak havoc on our contracts."

Tim Valentine, D-N.C., who had voted against a previous version approved by the committee April 29, decided to vote for it May 5 to avoid "any further risk" politically from appearing to oppose drug-free work places.

He added: "This is a mess. This has the seeds of a national disaster. I'll hold my nose and go along with the others. It's improved, but not that much."

After two weeks of grappling with the issue, several members had clearly grown tired of it.

An exasperated Valentine mistakenly spoke of a "work-free drug place." When asked why he wasn't in the room during a debate May 4 on the subject before the Space Science and Applications Subcommittee, Buddy MacKay, D-Fla., freely admitted that he was trying to avoid the topic.

When the subcommittee finally adopted a version of the proposal by voice vote, the 11 members present didn't have a copy of it in front of them to read. They accepted the word of Walker and Jimmy Hayes, D-La., that a compromise had been worked out after two hours of backroom talks.

But after the subcommittee vote, Hayes, Walker and their aides continued debating the unfinished version that supposedly had just been approved by the subcommittee. The finished draft wasn't actually ready for the full committee to consider until noon the next day.

"This is how a bill becomes law," one aide quipped.

## Ready for House Floor

The final version is now ready to go to the floor as part of three bills: HR 4417, the National Bureau of Standards (NBS) authorization; HR 4418, the National Science Foundation (NSF) authorization; and the as-yet-unnumbered civilian research and development authorization for the Department of Energy (DOE). The language is also part of HR 4157, the NASA authorization, which was approved by the Space Subcommittee. (*Related stories, pp. 1240, 1242; background, pp. 1171, 1106*)

Under the Walker amendment, contractors and grantees receiving funds authorized by the bills have to draft a policy prohibiting illegal drug use in the work place. Workers have to sign a statement promising to abide by the policy and to notify their bosses if they are convicted of any drug crimes. The employers, in turn, must notify the government. The government, except under

certain conditions, has to withhold payments from the employer if the conviction involved an on-the-job crime.

After being notified that funds will be withheld, the employer has 14 days to request an appeal hearing. Payments continue if the contractor or grantee shows that it is in compliance with the amendment and is making "good-faith efforts to maintain a drug-free work place." If the conviction was the result of the employer's drug policy — for example, if a drug-using worker's boss turned him in — payments must continue. If the employer loses the appeal, he can request a reconsideration.

Hayes and other Democrats managed to get Walker to soften previous versions of his amendment. The amendment now applies only to work done under a specific grant or contract, not all work done by the contractor or grantee.

It also has a big exception: The government can decide

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—Rep. Tim Valentine, D-N.C.

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not to enforce the withholding provision if such action "would severely disrupt the operation of such entity to the detriment of the federal government or the general public."

Walker thought he had won the battle over his proposal April 29, when the full committee voted 20-7 to attach an earlier version to the DOE authorization. But when he tried to have that same version attached to the NASA authorization by the Space Subcommittee, his most vocal opponent on the issue, David R. Nagle, D-Iowa, had his own surprise: He proposed replacing Walker's amendment with wording from HR 4467 — a bill Walker had introduced April 26 to apply his drug provisions to all government grants and contracts.

Nagle said he liked HR 4467 because it had the exception giving the federal government discretion not to withhold the funds. "I'd like to hear Mr. Walker tell me why his bill is a bad idea," he said.

Walker urged the subcommittee to adopt the version already approved by the committee.

Finally, Hayes offered to help draft a compromise, making clear that he wasn't really in favor of Walker's approach but just wanted to help resolve the issue.

Several members said the final compromise fell short of perfecting the amendment. Jim Chapman, D-Texas, complained that it was full of "gaping holes." For example, he said, what is the definition of "work place"? Does it refer to a restaurant where the executive vice president of a company is discussing a government contract?

Chairman Robert A. Roe, D-N.J., had the last word, saying the issue would probably ultimately be decided by the Supreme Court. When he called for a voice vote, there were only a couple of muffled "noes."

No one asked for a roll call.

—By Phil Kuntz